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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,044	08/07/2003	Patrick Chiu	FXPL-01060US0	9973
23910 7590 06/11/2008 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER AUGUSTINE, NICHOLAS				
ART UNIT		PAPER NUMBER		
2179				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/636,044

Applicant(s)

CHIU ET AL.

Examiner

NICHOLAS AUGUSTINE

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,10,13,14,18 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,10,13,14,18 and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 02/27/2008. This action is made **Final**.
- B. Claims 1-6, 9-10, 13-14, 18 and 21-31 remain pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-10, 13-14, 18 and 21-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson et al (US 2004/0189720 A1), herein referred to as "Wilson".

As for **independent claim 1**, Wilson teaches a system for proving content in a modular presentation system, comprising: a plurality of displays, wherein each display neighbors at least one other display and at least two of the plurality of displays are in visual proximity to each other (figure 9B and par.39); an input device that receives input of a gesture to move a content from a first display of the plurality of displays (par.92); a

processor that interprets a direction to move the content from the first display based on the gesture , the specifies a second display to which the content is to be moved, based on the gesture and the position of the plurality of displays and that propagates the content of the first display to the second display (par.44,93-95).

As for dependent claim 2, wherein each of the plurality of displays is configured to: receive new content identification information; and transmit old content identification information; and present content associated with the new content Identification information (par.46 and 92; wherein content is sent from one display to the next, the processor knows what content is currently being manipulated and sends that "path" of the content form one display to the next, current item being manipulated as well known in the art to have identification to be communicated in a computing system ([http://en.wikipedia.org/wiki/Path_\(computing\)](http://en.wikipedia.org/wiki/Path_(computing)))).

As for dependent claim 3, Wilson teaches the system of claim 2 wherein new content identification information is received from a processor associated with a neighboring display in the reverse propagation direction, the old content identification information is transmitted to a processor associated with a neighboring display in the forward propagation direction, the forward propagation direction derived from the gesture input (par.92).

As for dependent claim 4, Wilson teaches the system of claim 2 wherein receive new content identification information includes: retrieving new content identification information from a memory stack (figure 11, par.106-109).

As for **independent claims 5 and 13**, Wilson teaches a method of providing content in a modular presentation system having a plurality of displays, wherein at least two of the plurality of displays are in visual proximity to each other (figure 9B), the method comprising: receiving input of a gesture to move a first content presented on a first display of the plurality of displays (par.92); interpreting a direction to move the content from the first display based on the gesture (par.92-93); specifying a second display to which the first content is to be moved based on the gesture and the relative position of the plurality of displays; presenting the first content at the second display and a second content at the first display (figure 9B, par.92-95).

As for dependent claims 6 and 14, Wilson teaches the method of claim 5 wherein receiving gesture input includes: receiving input on a touch screen display (par.44).

As for dependent claims 9-10 and 18, Wilson teaches the method of claim 5, wherein presenting the second content at the first display includes retrieving a second URL and sending the second URL to the first display *and vice versa* (par.110-112; of course a skilled artisan would appreciate that the networked implementation described in figure 12 and par.110 would implement the use of URL as URL's are a commonly known

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method to provide an address/path/link of a content

(http://en.wikipedia.org/wiki/Uniform_Resource_Locator); if content A is presented and content A gets sent to another display then the system would yield the predictable result of having a URL or another acceptable means to identify what and where content A.

As for dependent claims 21, 23, 24, 27, Wilson teaches the system of claim 1, wherein the content of the second display is automatically propagated on a third display in the plurality of displays (figure 9B).

As for dependent claims 22, 25, 28, Wilson teaches the system of claim 21, wherein the third display is in visual proximity to the first and second display (figure 9B).

As for dependent claims 26, 29, Wilson teaches the method of claim 24, wherein the content of the third display is automatically presented to a display in the plurality of displays (par.44 and 92-95).

As for dependent claim 30, Wilson teaches the computer readable medium of claim 28, wherein the instructions further provide that presenting the second content at the third display includes retrieving a second URL and sending the second URL to the third display (par.40 and 94).

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As for independent claim 31, Wilson teaches a system for providing content in a modular presentation system, comprising: a plurality of displays, wherein each display neighbors at least one other display (figure 9B); an input device that receives input of a gesture to move a content from a first display of the plurality of displays (par.40 and 44); and a processor, that interprets a direction to move the content from the first display based on the gesture (figure 2), that specifies a second display to which the content is to be moved (figure 3), based on the gesture and the position of the plurality of displays and that propagates the content of the first display to the second display and automatically propagates a second content of the second display to a third display of the plurality of displays (par.40, 44 and 93-95).

(Note :) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 02/27/2008 have been fully considered but they are not persuasive.

A1. Applicant does not argue against Wilson.

Response to Amendment

The declaration filed on 02/27/2008 under 37 CFR 1.131 has been considered but is ineffective to overcome the Wilson et al. (U.S. Publication No. 2004/0189720 A1) reference.

The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Wilson et al. (U.S. Publication No. 2004/0189720 A1) reference reference.

Applicant relies upon Exhibit A and Exhibit B to show reduction to practice, but neither Exhibit's were included in the Affidavit. What was included in the Affidavit was a mere outline of the invention and mention of Exhibit A and B's contents being a ModSlideShow, ModSlideShow2, ModSlideShow.java file and GestRecognizer.class file with absence of exact details and/or the contents of ModSlideShow, ModSlideShow2, ModSlideShow.java file and GestRecognizer.class file. These Exhibits which are not found with the Affidavit, thus based on the outline and summary presented in the Affidavit the Examiner believes that the evidence submitted is insufficient to establish a reduction to practice of the invention prior to the effective data of Wilson.

A general allegation that the invention was completed prior to the date of the reference is not sufficient. Ex parte Saunders, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883). Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of

facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

The essential thing to be shown under 37 CFR 1.131 is priority of invention and this may be done by any satisfactory evidence of the fact. FACTS, not conclusions, must be alleged. Evidence in the form of exhibits may accompany the affidavit or declaration. Each exhibit relied upon should be specifically referred to in the affidavit or declaration, in terms of what it is relied upon to show. For example, the allegations of fact might be supported by submitting as evidence one or more of the following:

- (A) attached sketches;
- (B) attached blueprints;
- (C) attached photographs;
- (D) attached reproductions of notebook entries;
- (E) an accompanying model;
- (F) attached supporting statements by witnesses, where verbal disclosures are the evidence relied upon. *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989);
- (G) testimony given in an interference. Where interference testimony is used, the applicant must point out which parts of the testimony are being relied on; examiners cannot be expected to search the entire interference record for the evidence. *Ex parte Homan*, 1905 C.D. 288 (Comm'r Pat. 1905);
- (H) Disclosure documents (MPEP § 1706) may be used as documentary evidence

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of conception.

Exhibits and models must comply with the requirements of 37 CFR 1.91 to be entered into an application file. See also MPEP § 715.07(d).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/
Examiner
Art Unit 2179
June 5, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179